

BOOK 0699 PAGE 0645  
1297096-001

**AFFIDAVIT OF NONDEVELOPMENT  
AND NONPAYMENT OF DELAY RENTALS**

L0526622

I, O.E. Burge, of RD 3 Box 33, Cameron, WV 26033, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/she) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of Cameron, Marshall County, West Virginia, being further described as follows:

Tax Parcel No. 8 parcels 20.25, & 25.1

Bounded formerly or currently as follows:

On the North by lands of John L. Muller, etux, George L. Silver etux;  
On the East by lands of James Robert Robinson, etux;  
On the South by lands of L. Lewis;  
On the West by lands of William H. Cumpston, Jr. etux;

And more specifically described in a deed dated October 31, 2008, and recorded in Deed Book 674, at page 18, and in a deed dated July 22, 1994, and recorded in Deed Book 579, at Page 516, and in a deed dated July 26, 1994, and recorded in Deed Book 579, at Page 518, and in a deed dated July 26, 1994, and recorded in Deed Book 579, at Page 520 of the deed records of said county and state.

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there (has/has not) been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant further states that for a period of at least 16 years there has been no delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that (he/she) will not accept any delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of (his/her) knowledge there is no production of oil and/or gas from the above described lands and that (he/she) is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

O.E. Burge  
O.E. Burge

Subscribed and sworn to before me on this 23<sup>rd</sup> day of February, 2010

My Commission Expires: 9/26/11



Letty A. Guzman  
Signature/Notary Public  
Name/Notary Public (print): Letty A. Guzman

Jan Pest  
MARSHALL County 11:15:35 AM  
Instrument No 1285127  
Date Recorded 04/28/2010  
Document Type O&G  
Pages Recorded 1  
Book-Page 699-645  
Recording Fee \$5.00  
Additional \$6.00

**ACKNOWLEDGMENT**

STATE OF Florida  
COUNTY OF Piellas

On this the 23<sup>rd</sup> day of February, 2010, before me, the undersigned authority, personally appeared O.E. Burge, married who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:

My Commission Expires: 9/26/11

Letty A. Guzman  
Signature/Notary Public  
Name/Notary Public (print): Letty A. Guzman

This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 73154  
Record & Return to:  
Chesapeake Operating, Inc.  
P.O. Box 18496  
Oklahoma City, OK 73154

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 23<sup>rd</sup> day of February, 2010 was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 28<sup>th</sup> day of April, 2010 at 11:15 o'clock AM.

TESTE: Jan Pest Clerk.